

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY RAY BAIN,

Defendant.

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8:08CR210

ORDER

This matter is before the court on the motion for an extension of time by defendant Terry Ray Bain (Bain) (Filing No. 99). Bain seeks an extension of time in which to file pretrial motions in conjunction with the pretrial deadline that will be established for a co-defendant during an arraignment on May 26, 2009. Bain's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted

**IT IS ORDERED:**

Defendant Bain's motion for an extension of time (Filing No. 99) is granted. Bain will be given an extension of time in which to file pretrial motions. The deadline will be established during the arraignment of a co-defendant on May 26, 2009. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 18, 2009 and a revised pretrial motion deadline**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 18th day of May, 2009.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge